

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. §1.6)

I hereby certify that this paper, together with all enclosures identified herein, are being transmitted via facsimile to Examiner Gulakowski at (571) 273-1302 on or before April 1, 2005.

4/1/05
Date

William L. King III
William L. King III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Tonar et al.
Examiner : P. Tucker
Serial No. : 10/085,434
Group Art Unit : 1712
Confirmation No. : 4510
Filed : February 28, 2002
Attorney Docket No. : GEN-001323C3
Title : ELECTROCHROMIC LAYER AND DEVICES
COMPRISING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPONFAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. §1.181

Dear Sir:

This communication is in response to the Notice of Abandonment mailed February 8, 2005, directed to the above-identified application, which indicated that Applicant failed to timely file a proper response to the Office Action mailed June 2, 2004.

Applicant submits that the original Office Action mailed June 2, 2004, was never received. In particular, the undersigned herein attests that a search of the file jacket and docket records indicates that the original Office Action mailed June 2, 2004, was not received.

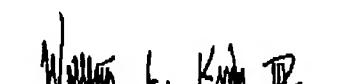
Applicant has attached a print out of the docket record for the above-identified file, indicating that no entry exists for the Office Action. For purposes of identification, the item identified as "A" is the serial number of the present case. The item identified as "B" is the case docket number. As can be seen by way of Item "C" no reply period exists in the docketing system because the Office Action, which includes allowed claims, was never received. The lack of any such data in this location indicates that the Office Action was not received.

In light of the foregoing, respectfully requests that the present holding of abandonment be withdrawn, without fee, and further respectfully requests reinstatement of the above-identified patent application in accordance with 37 C.F.R. §1.181.

Should anything further be required, a telephone call to the undersigned, at (616) 355-0400, is respectfully solicited.

Respectfully submitted,
KING & JOVANOVIC, PLC

Dated: 4/1/05


William L. King III
Reg. No. 46,830

KING & JOVANOVIC, PLC
170 College Avenue, Suite 230
Holland, Michigan 49423
Phone (616) 355-0400
Fax (616) 355-9862

Law Offices
KING & JOVANOVIC, PLC
170 College Avenue, Suite 230
Holland, Michigan 49423
Telephone (616) 355-0400
Facsimile (616) 355-9862

United States and International
Intellectual Property Law

Chicago Office:
180 North LaSalle Street, Suite 2108
Chicago, Illinois 60601

FACSIMILE TRANSMITTAL

DATE: April 1, 2005

Please deliver the following pages to:

NAME(s): Examiner Gulakowski

COMPANY: USPTO

Facsimile No.: (571) 273-1302

From: William L. King III

Total Number of Pages 4 including this cover sheet

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Operator's Telephone Number: (616) 355-0400

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REMARKS: Dear Examiner Gulakowski, pursuant to our recent telephone conversation, enclosed please find a copy of the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action. If you would be so kind, please acknowledge receipt of this facsimile transmission via email at wking@kj-ip.com.

Thank You, William L. King III